IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19632 of 2004

Between:

M/s.Rajam Aluminum Metal Products Pvt.Ltd.,

Rajam, Srikakulam District, rep.by its Managing Director,

Mr.Amalendusen. **..... PETITIONER**

AND

Commercial Tax officer,

Rajam Circle, Rajam, Srikakulam Dist. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ, order or Direction declaring the action of the respondent in threatening to take coercive steps for recovery of the balance disputed demands about 37% when the petitioner having already paid the total tax amount about 63% out of the total disputed demands pending disposal of appeals before the sales Tax Appellate Tribunal and also the Respondent is not issuing the way bills to the petitioner pending appeals and statutory stay applications before the appellate authority as arbitrary, contrary to law and against the provisions of the Andhra Pradesh General sales Tax Act as well as the decision of this Hon'ble Court reported in 23 APSTJ page 141 and consequently grant stay of collection of balance disputed demand of Rs.3,12,093/- for the assessment year 1992-93 (APGST) pending disposal of the appeal before the sales Tax Appellate Tribunal.

Counsel for the Petitioner: MR.M.V.PAVAN KUMAR

Counsel for the Respondent: Spl. Standing Counsel for Commercial Taxes

The Court made the following :

ORDER: **(PER Sri Bilal Nazki, J)**

The petitioner has filed an application for grant of stay pending appeal before the appellate authority. According to him, an application for stay has been heard by the concerned authority on 12-10-2004, and the orders have not been pronounced so far. But in the meantime, respondent is trying to take coercive steps to make recovery of the disputed amounts.

In these circumstances, with the consent of learned Counsel for the parties, we dispose of the writ petition with a direction that no coercive steps shall be taken against the petitioner till disposal of the application for stay. No costs.

(BILAL NAZKI, J)

27th October, 2004

(S.ANANDA REDDY, J)

Note:

Wire at party's costs

B/o

LUR

Copy to:

1.The Commercial Tax officer,

Rajam Circle, Rajam, Srikakulam Dist.

2.Two CD copies.